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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,098

03/12/2004

Holger Edinger

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/799,098	Applicant(s) EDINGER, HOLGER	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 03/12/2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. In particular, German Patent Publication No. 2458058A1 does not include a concise explanation of the relevance. Thus, it has not been considered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "a rear position". It is unclear what is meant by this recitation. Is the rear position located behind the trailing edge of the first sheet? Is the rear position a position measured relative to the processing machine?

Regarding claim 7, it is unclear where the front edge alignment device is located. Is the front edge alignment device located in the overlapping stream of sheets?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-7, 9-12 and 14-16, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 20050035537.

Regarding claim 1, Figs. 1-4 disclose a method for guiding sheets to a sheet processing machine, which comprises the step of:

reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge (via 16 or 33) of a first sheet (sheet on bottom of stack 14 or sheet on bottom of stack 32, respectively).

Regarding claim 2, Figs. 1-4 disclose lifting the sheet trailing edge of the first sheet by blowing under from a rear position (see e.g., Figs. 1-3).

Regarding claim 3, numbered paragraph [0021] discloses aligning the first sheet in a sheet transport direction (via 31) before the sheet trailing edge of the first sheet is

lifted. The first sheet will be fed in and aligned before it is lifted with the rest of the stack 32 during the feeding of the next fed sheet.

Regarding claim 6, Figs. 1-4 show an apparatus for guiding sheets to a sheet processing machine, the apparatus comprising:

a lifting device (16 or 33) for reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge of a first sheet (sheet on bottom of stack 14 or sheet on bottom of stack 32, respectively), the lifting device (16 or 33) disposed above the overlapping stream.

Regarding claim 7, Figs. 1-4 show a front edge alignment device (13 or 31), the lifting device (16 or 33) being disposed at a distance of a sheet length to be processed from the front edge alignment device (13 or 31).

Regarding claim 9, Figs. 1-4 show that the lifting device (16 or 33) has at least one nozzle (Fig. 1 or nozzle in numbered paragraph [0021]).

Regarding claim 10, Figs. 1-4 show that the nozzle is aligned tangentially with respect to a surface of the overlapping stream.

Regarding claim 11, Figs. 1-4 show that the nozzle is aimed in a sheet transport direction (see e.g., Figs. 1-2).

Regarding claim 12, as best understood, Figs. 1-4 show that the nozzle is formed as a blowing/suction nozzle and can be acted on with blown air.

Regarding claim 14, Figs. 2-3 show that the lifting device (33) has a free jet nozzle (one of the multiple nozzles in numbered paragraph [0021] and best shown in Fig. 2) in addition to the nozzle (a different one of the multiple nozzles in numbered paragraph [0021] and best shown in Fig. 2), the free jet nozzle being aimed at the overlapping sheet stream obliquely from above in a sheet transport direction.

Regarding claim 15, Figs. 1-4 show that at least one of the nozzle and the free jet nozzle can be activated at a cycle rate of the sheet processing machine.

Regarding claim 16, Figs. 1-4 show a printing press (numbered paragraph [0007]), comprising:

- a sheet stack feeder (including 26);
- a first lifting apparatus (33) for forming an overlapping stream and disposed adjacent the sheet stack feeder (including 26); and
- a second lifting apparatus (36) disposed above the overlapping stream.

4. Claims 1, 6-7 and 9-16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,831,930 (Shimizu).

Regarding claim 1, Figs. 1-3 disclose a method for guiding sheets to a sheet processing machine, which comprises the step of:

reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge (via 30 and/or 41) of a first sheet.

Regarding claim 6, Figs. 1-3 show an apparatus for guiding sheets to a sheet processing machine, the apparatus comprising:

a lifting device (including 30 and/or 41) for reducing an adhesion force between two sheets following one another in an overlapping stream by lifting a sheet trailing edge of a first sheet (b), the lifting device disposed above the overlapping stream.

Regarding claim 7, Figs. 1-3 show a front edge alignment device (6), the lifting device (41) being disposed at a distance of a sheet length to be processed from the front edge alignment device (6).

Regarding claim 9, Figs. 1-3 show that the lifting device (including 30 and/or 41) has at least one nozzle (i.e., **nozzle on element 30 and/or nozzle on element 41**).

Regarding claim 10, Fig. 1 shows that the nozzle is aligned tangentially with respect to a surface of the overlapping stream.

Regarding claim 11, Figs. 1-3 show that the nozzle is aimed in a sheet transport direction (i.e., to the left in Fig. 1).

Regarding claim 12, as best understood, Figs. 1-3 show that the nozzle is formed as a blowing/suction nozzle and can be acted on with blown air. Again, the at least one nozzle can be the nozzle on element 30 and/or the nozzle on element 41. In either case, the nozzle on element 41 can be acted on by blowing air.

Regarding claim 13, Figs. 1-3 show that the nozzle (i.e., nozzle on element 30) is formed as a suction gripper and can be acted on with a vacuum.

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Regarding claim 14, Figs. 1-3 show that the lifting device (including 30 and/or 41) has a free jet nozzle (i.e., nozzle on element 41) in addition to the nozzle (i.e., nozzle on element 30), the free jet nozzle (i.e., nozzle on element 41) being aimed at the overlapping sheet stream obliquely from above in a sheet transport direction.

Regarding claim 15, Figs. 1-3 show that at least one of the nozzle (i.e., nozzle on element 30) and the free jet nozzle (i.e., nozzle on element 41) can be activated at a cycle rate of the sheet processing machine.

Regarding claim 16, Figs. 1-3 show a printing press (column 3, lines 50-51) , comprising:

- a sheet stack feeder (including 7 and 7);
- a first lifting apparatus (including 30) for forming an overlapping stream and disposed adjacent the sheet stack feeder (including 7 and 7); and
- a second lifting apparatus (including 41) disposed above the overlapping stream.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20050035537 as applied to claim 3 above, and further in



view of U.S. Patent No. 4,886,261 (Jeschke). U.S. Patent Publication No. 20050035537 discloses all of the limitations of claim 4, except for aligning the first sheet laterally at a same time as the sheet trailing edge of the first sheet is lifted (e.g., lifted via element 16 of U.S. Patent Publication No. 20050035537).

The Jeschke patent discloses that it is well known to align a sheet laterally using side walls (including 8 and 9) that extend vertically above the topmost sheet of a stack of sheets, for the purpose of keeping the sheets laterally aligned as the sheets are being separated from the stack. See e.g., column 5, lines 10-61 and Fig. 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus shown in Fig. 1 of U.S. Patent Publication No. 20050035537 with side walls for the purpose of keeping the sheets laterally aligned as the sheets are being separated from the stack, as taught by Jeschke. Providing such walls on the device in Fig. 1 of U.S. Patent Publication No. 20050035537 in a manner as taught by Jeschke will result in an arrangement that will align the first sheet laterally at a same time as the sheet trailing edge of the first sheet is lifted (e.g., lifted via element 16 of U.S. Patent Publication No. 20050035537).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20050035537 as applied to claim 3 above, and further in view of U.S. Patent No. 4,886,261 (Jeschke). U.S. Patent Publication No. 20050035537 discloses all of the limitations of claim 8, except for aligning the first sheet laterally after the sheet trailing edge of the first sheet has been lifted.

The Jeschke patent discloses that it is well known to align a sheet laterally (e.g., at a downstream location) after the sheet trailing edge of such sheet has been lifted, for the purpose of providing fine alignment to such sheet after the initial coarse alignment of such sheet. See e.g., column 1, lines 25-30 of Jeschke. It would have been obvious to one of ordinary skill in the art at the time the invention was made to align the first sheet (sheet on bottom of stack 14 or sheet on bottom of stack 32) of U.S. Patent Publication No. 20050035537 laterally after the sheet trailing edge of such sheet has been lifted, for the purpose of providing fine alignment to such sheet after the initial coarse alignment of such sheet (e.g., coarse alignment via elements 34 and 36 of U.S. Patent Publication No. 20050035537), as taught by Jeschke.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20050035537 as applied to claim 7 above, and further in view of U.S. Patent No. 5,234,207 (Lindstrom et al.). U.S. Patent Publication No. 20050035537 discloses all of the limitations of claim 8, except for the lifting device (16 or 33) being adjusted in a sheet transport direction to a sheet format to be processed.

Figs. 1-3 and column 2, lines 15-61 of the Lindstrom et al. patent disclose that it is well known to adjust a lifting device (including 28) in a sheet transport direction to a sheet format to be processed, for the purpose for enhancing separation of sheets and ensuring that the air stream is not wasted. While such lifting device of Lindstrom et al. is being rotated, one component of its movement is in the sheet transport direction, which meets the limitations of the claim. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the lifting device (16 or 33)

of U.S. Patent Publication No. 20050035537 with an adjustment device so that such lifting device (16 or 33) of U.S. Patent Publication No. 20050035537 can be adjusted in a sheet transport direction to a sheet format to be processed, for the purpose of enhancing separation of sheets and ensuring that the air stream is not wasted, as taught by Lindstrom et al.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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